In the High Court of Uttaranchal, at Nainital.

(Stay Application No. 10418/2006)

in

Criminal Writ Petition No. 1010/2006(M/B)

Neeraj Kumar S/o Late Jai Bhagwan Singh
R/o Manpur Thana Shikarpur,
District Bulandshehar, U.P. ... Petitioner.

Versus

1- State of Uttaranchal through S.S.P. Nainital
2- S.H.O. Tallital, Nainital,
District Nainital.
3- Bhanwar Singh Bora S.I. (M)/Head Clerk
P.S. Nainital .. Respondents.

Sri Navneet Kaushik, learned counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Hon'ble B.C. Kandpal, J.

Hon'ble Prafulla C. Pant, J.

By way of this petition the petitioner has sought the following reliefs:-

(a) To issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 01-8-2006 (Annexure No.1 to the Petition), registered at P.S. Tallital, District Nainital, in case crime No. 774/2006, U/Ss 420, 467, 468, 471 I.P.C.

(b) To issue a writ, order or direction in the nature of mandamus grnting stay of arrest to the petitioner till the pendency of the petition.

2- Heard Sri Navneet Kaushik, learned counsel for the petitioner, learned G.A. and perused the record.

3- After having considered the arguments advanced by the learned counsel for the parties and after perusal of the material available before us, we are of the

opinion that the indulgence of the court is not required in the matter under Article 226 of the Constitution of India, for grant of any of the reliefs sought by the petitioner at this stage.

4- The writ petition lacks merit and is dismissed in limine.

5- However, in case the petitioner surrenders or is arrested, his bail application shall be disposed of by the court concerned without any unreasonable delay.

6- With the above observation, the stay application also stands rejected.

(P.C. Pant, J.) **(B.C. Kandpal,J.)**

Dated: 18-08-2006
ISB